

1 NICHOLAS A. TRUTANICH
2 United States Attorney
3 District of Nevada
4 Nevada Bar Number 13644
5 TRAVIS LEVERETT
6 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Phone: (702) 388-6522 / Fax: (702) 388-5087
Travis.leverett@usdoj.gov
Representing the United States of America

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

v.

11 MATTHEW SMITH,

12 Defendant.

Case No. 2:20-mj-00123-DJA
ORDER
FIFTH STIPULATION TO
CONTINUE PRELIMINARY
HEARING

13
14 The parties jointly request that this Court vacate the preliminary hearing scheduled
15 for September 18, 2020, and continue it until at least October 16, 2020 because:

16 1. Mr. Smith has signed a plea agreement and waiver of indictment. A change
17 of plea hearing was rescheduled from August 28, 2020 to October 9, 2020 before Judge
18 James C. Mahan due to a power outage at the Lloyd D. George Courthouse.

19 2. Denial of this continuance would prejudice the defense and the government
20 and would unnecessarily consume this Court's valuable resources.

21 3. Mr. Smith is in custody and agrees to the continuance.

22 4. Mr. Smith also consents to extending the time within which a preliminary
23 hearing must be held under Federal Rule of Criminal Procedure 5.1(c) and the time within

1 which an indictment must be filed under 18 U.S.C. § 3161(h)(7)(A), when considering the
2 factors under 18 U.S.C. § 3161(h)(7)(B).

3 DATED: September 14, 2020.

4 RENE L. VALLADARES
Federal Public Defender

5
6 NICHOLAS A. TRUTANICH
United States Attorney

7
8 /s/ *Erin Gettel*
By _____
9 Erin Gettel
10 Assistant Federal Public Defender

11
12 /s/ *Travis Leverett*
By _____
13 Travis Leverett
14 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
MATTHEW SMITH,
Defendant.

Case No. 2:20-mj-00123-DJA

**ORDER GRANTING FIFTH
STIPULATION TO CONTINUE
PRELIMINARY HEARING**

Based on the stipulation of counsel, the Court finds that good cause exists to continue the preliminary hearing currently scheduled for September 18, 2020. The additional time is to accommodate the change of plea and waiver of indictment hearing that is currently set for October 9, 2020 before Judge James C. Mahan and not for purposes of delay. Mr. Smith is in custody and agrees to the continuance, and he consents to extending the time within which a preliminary hearing must be held under Federal Rule of Criminal Procedure 5.1(c) and the time within which an indictment must be filed under 18 U.S.C. § 3161. Accordingly,

IT IS HEREBY ORDERED that the preliminary hearing currently scheduled for September 18, 2020, is VACATED and RESET to October 13, 2020, at 4:00 p.m..

14th
DATED this ____ day of September, 2020.

**HONORABLE DANIEL J. ALBREGTS
U.S. Magistrate Judge**